

IN THE SUPREME COURT OF THE STATE OF DELAWARE

SCOTT O’RILEY,	§
	§ No. 493, 2011
Plaintiff Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for Sussex County
SHAWN ROGERS,	§ C.A. No. S08C-07-020
	§
Defendant Below-	§
Appellee.	§

Submitted: September 15, 2011

Decided: September 21, 2011

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices

ORDER

This 21st day of September 2011, it appears to the Court that:

(1) The plaintiff-appellant, Scott O’Riley, has petitioned this Court, pursuant to Supreme Court Rule 42, to accept an appeal from the interlocutory order of the Superior Court dated August 30, 2011, which granted the post-trial motion of the defendant-appellee, Shawn Rogers, for a new trial on the issue of damages.

(2) O’Riley filed his application for certification to take an interlocutory appeal in the Superior Court on September 1, 2011. On September 15, 2011, the Superior Court denied the application on the ground that the requirements of Rule 42 had not been met.

(3) Applications for interlocutory review are addressed to the sound discretion of this Court. In the exercise of its discretion, the Court has concluded that O’Riley’s application for interlocutory review does not meet the requirements of Supreme Court Rule 42 and, therefore, should be denied.

NOW, THEREFORE, IT IS ORDERED that the interlocutory appeal is DENIED.

BY THE COURT:

/s/ Randy J. Holland
Justice